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09/998,023	11/30/2001	Aalim Lakhani	CA920000045US	6797

7590 02/09/2005  
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EXAMINER

QUELER, ADAM M

ART UNIT PAPER NUMBER

2179

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/998,023

Applicant(s)

LAKHANI ET AL.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15-19 and 23 is/are rejected.
- 7) ☒ Claim(s) 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/03/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications: Response to Election/Restriction Filed

01/04/2005, and Application filed 11/30/2001.

2. Claims 1-23 are pending in the case. Claims 1-9, and 15-23 are elected. Claims 1 and 15 are elected independent claims.

#### *Election/Restrictions*

3. Applicant's election without traverse of Group I, claims 1-9 and 15-23, in the reply filed on 1/04/2005 is acknowledged.

#### *Specification*

4. The disclosure is objected to because of the following informalities: The Brief Summary invention is nothing more the claims in sentence form. See MPEP § 608.01(d). A brief summary or general statement of the invention should be as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Appropriate correction is required.

### ***Drawings***

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details of the invention as described in the specification. A simple block diagram does not adequately show the details of the invention. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

6. **Claims 20-22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent**

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**claim.** See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 9, 19 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The claims recite “computer code.” However, the specification defines computer code can be a “signal carried in a carrier”. This is not a tangible embodiment. To overcome this rejection Applicant is advised to specifically disclaim the intangible embodiment in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1, 4, 9, 15, 19, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Nazem (US005983227A, published 11/9/1999).**

**Regarding independent claim(s) 1 and 15,** Nazem teaches a receiving and passing the page request from the server (col. 3, line 59 – col. 4, line 2). Nazem teaches identifying and receiving a template for generating a page to be returned in response to the request. Nazem teaches that templates have identifiers (col. 3, ll. 35-48). Nazem teaches a set of templates (col. 3, ll. 26-29). Therefore Nazem also teaches a set of template identifiers. Nazem teaches associated template

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page attributes (col. 5, ll. 31-32). Nazem teaches matching default values when they are not determinable (col. 6, ll. 21-50).

**Regarding dependent claim(s) 4**, Nazem teaches a template editor (col. 3, ll. 24-26)

**Regarding dependent claim(s) 9, 19 and 23**, the embodiments of the claims dependent on claims 1, 4, and 15, respectively, are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 2, 9, 16, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem.**

**Regarding dependent claim(s) 2 and 16**, Nazem teaches a database (col. 3, ll. 40-41). Nazem does not explicitly teach a relational database. Official Notice is taken that relational databases accessible by queries were well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use relational databases accessible by queries in order to retrieve the data (col. 3, ll. 15-20).

**Regarding dependent claim(s) 9, 19 and 23**, the embodiments of the claims dependent on claims 2 and 16, respectively, are rejected under the same rationale.

13. **Claims 3, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem as applied to claims 1 and 4 above, and further in view of "Java Server Pages," found at <http://java.sun.com/products/jsp/> archived 11/9/2000.**

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**Regarding dependent claim(s) 3**, Nazem does not specifically disclose Java Server Pages. Sun teaches Java Server Pages (p. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Java Server Pages as they make it faster and easier to build applications (p. 1).

**Regarding dependent claim(s) 5**, Nazem does not specifically disclose Java Server Pages. Sun teaches Java Server Pages (p. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to create Java Server Pages as they make it faster and easier to build applications (p. 1).

**Regarding dependent claim(s) 9**, the embodiments of the claim dependent on claims 3 and 5 are rejected under the same rationale.

**14. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem as applied to claim 1 above, and further in view of Applicant's Admitted Prior Art.**

**Regarding dependent claim(s) 6**, Nazem does not explicitly disclose generating the page by a consumer for a store. However, Applicant admits that generating a page for an electronic store was a known and desired in the art at the time of the invention (p. 1, para. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Nazem's technology for an online store since it was desirable (Applicant's Admitted Prior Art, p. 1, para. 4) and to achieve the customization desired by users (Nazem, col. 1, ll. 22-23).

**Regarding dependent claim(s) 9**, the embodiment of the claim dependent on claim 6 is rejected under the same rationale.

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***Allowable Subject Matter***

15. Claims 7-8 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 9, 19 and 23 are rejected as being dependent upon a rejected base claim, but would be allowable if rewritten to only include dependencies on allowable claims. Claims 9, 19, and 23 are also rejected under 35 U.S.C § 101, and must overcome that rejection before allowance.

17. The following is a statement of reasons for the indication of allowable subject matter: The specific combination of the functional fields as claimed is not taught or suggested in the prior art.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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